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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,152	01/28/2004	Grigory Yezerky	705789US2	1959
24938	7590	07/22/2005	EXAMINER	
DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION			BLOUNT, ERIC	
CIMS 483-02-19			ART UNIT	
800 CHRYSLER DR EAST			PAPER NUMBER	
AUBURN HILLS, MI 48326-2757			2636	

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary	Application No. 10/766,152	Applicant(s) YEZERSKY ET AL.	
	Examiner Eric M. Blount	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04142005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-4, 6-9, 12-13, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Spielman et al [Pub No. US 2004/0119580 A1].

As for **claims 1 and 7**, Spielman discloses a remote control system (10) for a vehicle (12). The system comprises a fob (14) having a microphone for receiving audible commands and a radio frequency transmitter for transmitting the commands at a radio frequency via a fob antenna (58) (paragraph 17, lines 7-13 and paragraph 18). A receiver (16) is positioned on the vehicle (12). The receiver (16) has an antenna (64) for receiving commands at a radio frequency, a demodulator (68) for recovering said commands, and a processor (68) for decoding the recovered commands according to vehicle configuration information (paragraphs 27 and 28). A network interface controls the vehicle system in accordance with the recovered commands and the vehicle configuration information (paragraph 27).

Regarding **claims 3 and 7**, Spielman shows in Figure 4 that the processor communicates with vehicle components over a network (paragraph 27). It is inherent

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that each vehicle component includes configuration information for correct operation. Further, configuration information is needed for the processor to handle commands received from the fob correctly. The processor would only communicate with vehicle components that were recognized on the network. It is inherent that if a command was received from the fob for controlling a vehicle component that did not exist, the command would be ignored or a feedback signal would be returned indicating that the component did not exist.

As for **claims 4, 6, 13, and 15**, a transmitter may be positioned in the vehicle for transmitting result information to a receiver located in the fob. The fob comprises an output device connected to the receiver wherein the output device communicates the result information to the fob user (paragraphs 29 and 34).

As for **claim 8**, Spielman teaches all of the limitation of the claim. Please refer to the claims above.

As for **claim 9**, the RF signal may be modulated in a digital mode (paragraph 21).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spielman et al. Spielman et al will be relied upon for the teachings as discussed in the claims above.

Regarding **claims 2 and 11**, Spielman does not disclose that vehicle configuration information is stored in a memory connected to the processor. One of ordinary skill in the art would have recognized microcontrollers typically have a memory associated with them. Further, vehicle control information could have been stored in such a memory.

5. Claims 5, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spielman et al as applied to the claims above, and further in view of Macfarlane [Pub No. US 2003/0231550 A1].

As for **claims 5 and 14**, Spielman does not specifically disclose a key fob comprising a display screen. In an analogous art, Macfarlane discloses a key fob with a display screen (Figure 2 and paragraph 34). It would have been obvious to one of ordinary skill in the art at the time of the present invention that the fob taught by Spielman could have been modified to include the display screen taught by Macfarlane. The motivation for this modification could have been to provide more specific information such as text or graphics to a fob user.

Regarding **claim 10**, Spielman does not disclose an RF signal that is modulated in an analog mode. Macfarlane discloses that an RF signal transmitted by a fob may be modulated in analog or digital mode (paragraph 34). It would have been obvious to

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one of ordinary skill in the art the invention of Spielman could have been modified to transmit in analog or digital mode as taught by Macfarlane. The mode of transmission can be viewed a matter of design choice, as both were well known in the art at the time of the invention by applicant.

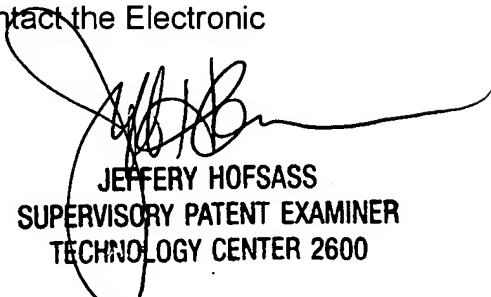
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of the references cited teach remote keyless entry systems that were useful during the examination of the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
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